

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**RECOVERY LIMITED PARTNERSHIP,
Plaintiff,**

v.

Civil Action No.: 2:87-cv-00363

**UNIDENTIFIED, WRECKED AND ABANDONED
SAILING VESSEL, etc.,
Defendant.**

MEMORANDUM IN SUPPORT OF MOTION TO FILE UNDER SEAL

Recovery Limited Partnership (the “Plaintiff” or “RLP”), by counsel, submits this Memorandum in Support of its Motion to seal Exhibits 1 – 3, attached hereto. Exhibit 1 is the Plaintiff’s Confidential Status Report. Exhibit 2 is the Declaration of John B. Pidcock. Exhibit 3 is the Declaration of Craig T. Mullen. The Court directed RLP to file its proposed 2025 salvage plan, under seal, for the Court’s review by May 30, 2025. *See* ECF # 336.

There are three requirements for sealing court filings: (1) public notice with opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

The information contained in Exhibits 1 – 3, and their attachments, encompass sensitive commercial information crucial to RLP’s interests. This information, being of a confidential nature, pertains to attorney-client privileged communications, legal strategies, salvage company status, and financing for salvage operations. Additionally, the operational capabilities and

projected costs furnished by CanPac Marine Services Inc. is designated confidential to protect CanPac's trade secrets and competitive advantages. Further, these filings disclose proprietary information concerning the wreck site and outline plans for its further exploration, necessitating specialized technical talent and equipment. The salvage operation planning described within is designated as confidential to safeguard RLP's trade secrets and maintain its competitive edge. Moreover, the intricacies of the wreck site's conditions and future salvage operations are privileged knowledge exclusively held by RLP and its salvors, who are bound by strict non-disclosure agreements. While any intrusion by third parties at the wreck site would violate the injunction granted by this Court, sealing this information is essential to keeping it out of the hands of third parties and minimizing the risk of a violation.

RLP is contemporaneously filing with this Motion a Notice of Filing under Seal which is the required public notice providing opportunity for objection. RLP submits that, given the commercial interests at stake, there is no "less drastic alternative" to the sealed filing that the Court has ordered.

Accordingly, RLP moves that this Court enter the proposed order attached to the Motion sealing Exhibits 1 – 3 to remain sealed in accordance with the terms of the proposed order.

This 30th day of May, 2025.

/s/ K. Barrett Luxhoj

James L. Chapman, IV, Esquire (VS. No. 21983)

K. Barrett Luxhoj, Esquire (VS. No. 86302)

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of May, 2025, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered filers.

/s/ K. Barrett Luxhoj

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